

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09-CR-00203-RJC-DCK

USA

v.

ERIC GILES

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ORDER

**THIS MATTER** is before the Court on the defendant's Motion for New Trial pursuant to Fed. R. Crim. P. 33, (Doc. No. 286), the government's Response, (Doc. No. 292), and the defendant's Reply, (Doc. No. 293).

The instant motion is the defendant's latest attempt to re-litigate the nature of a California conviction that the Court determined during the trial, immediately following the trial, and at sentencing qualified as a felony. (Doc. No. 218: Order; Doc. No. 272: Sent. Hr'g Tr. at 9). The defendant now presents 1991 conviction records as "newly discovered evidence" more than three years after the verdict. Therefore, it is untimely. Fed. R. Crim. P. 33(b)(1). Additionally, the information in the conviction records is already part of the record and does not alter the Court's previous rulings.

**IT IS, THEREFORE, ORDERED** that the defendant's Motion for New Trial, (Doc. No. 286), is **DENIED**.

Signed: September 14, 2015

  
Robert J. Conrad, Jr.  
United States District Judge

